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AUG 15 1996

RAPHAEL G. PROHIAS  
ADMITTED IN FL ONLY

August 15, 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

OUR FILE NO.  
0713-101-63

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

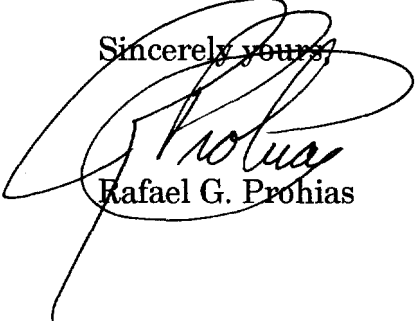
Re: Amendment of Section 73.202(b)  
Pueblo, Colorado and Pueblo West, Colorado

Dear Mr. Caton:

Transmitted herewith on behalf of Pueblo Broadcasters, Inc. are an original and four (4) copies of a Petition for Rulemaking.

No filing fee need accompany this Petition. If there are any questions concerning this matter, please contact this office directly.

Sincerely yours,

  
Rafael G. Prohias

Enclosures (5)

No. of Copies rec'd  
List ABOVE

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Pueblo West is a quasi-municipal political subdivision, comprised of over 8,000 persons. It is a community separate and apart from the city of Pueblo. Pueblo West is approximately 10 miles west of Pueblo, and has its own municipal government, governed by a Board of Directors elected by the Pueblo West community. Pueblo West has a fire department, a county sheriff's department, a public works department and water and sewage treatment plants. Pueblo West also has its own post office and zip code (81007), and is separately listed in the 1990 U.S. Census as a Census Designated Place. Pueblo West has been the fastest growing community in Southern Colorado, almost doubling in size within the last six years, from 4,300 residents in 1990 to over 8,000 residents today.

Pueblo West offers its residents a diverse selection of municipal services, businesses and cultural resources. Children in Pueblo West attend a public elementary and middle school, both of which have approximately 1,000 students. In November 1995, voters also approved a bond issue for the construction of a high school in Pueblo West. Pueblo West has an active business district, which includes shopping plazas, banks, savings and loan associations, and restaurants.

The residents of Pueblo West are cared for by doctors, dentists and the Fire Protection and Emergency Medical response team. In their leisure time, Pueblo West residents visit neighborhood parks,

playgrounds and open greenbelt areas. The 21-acre Lovell Park on Hahns Peak and Hanover Drive features a 25-meter long, 42-foot wide swimming pool, two ball fields, horseshoe pits, a paved basketball court, a volleyball court, an equipped playground for children, tennis courts, picnic pavilion and barbecue facilities. An 18-hole golf course and a privately-owned equestrian center also are major attractions in Pueblo West.

Phase One of a four phase, \$13 million Pueblo West sports and entertainment complex also has been completed. Once finished, the complex will provide Pueblo West residents with baseball and softball fields, a driving range, a 54-hole miniature golf course, a three-course go-cart track, a 100-room franchise hotel, a shopping center and commercial building, and a six-plex movie theater. What Pueblo West lacks is its own radio station.

PBI has determined that Channel 283C2 can be allocated to the city of Pueblo West as its first local aural service. An engineering study of the proposed allocation, demonstrating compliance with the technical standards for allocating a new channel, is attached hereto as *Exhibit A*. The proposed Channel 283C2 allotment can be awarded to Pueblo West with a site restriction of 28.0 kilometers northeast of the community at the site specified in the outstanding construction permit for KYZX, in full compliance with the FM spacing rules. Pueblo West is listed at North

Latitude 38° 33' 24" and West Longitude 104° 35' 56". No other full service broadcasters are affected by this proposal and operations from these coordinates would provide city grade service levels as set forth in Section 73.315 of the Commission's Rules.

If the Commission amends the FM Table of Allotments as requested herein, PBI will promptly file an application for modification of its license, construct the modified facilities, place those facilities in operation, and will seek a license covering the Pueblo West facility.

The proposal set forth in this Petition is consistent with the procedures authorized in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), as modified by *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094 (1990). Allotting Channel 283C2 to Pueblo West would permit Pueblo West to receive its first local aural channel, thereby serving the highest of the Commission's existing allocation priorities. "There are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local aural service is the highest of our allotment priorities which remains in any significant

degree unsatisfied.”<sup>1</sup> Nor will deletion of Channel 283C2 from Pueblo leave Pueblo without a local aural service, because six AM stations, six commercial FM stations and one noncommercial FM station remain licensed to Pueblo.<sup>2</sup>

In sum, Pueblo has no scarcity of available spectrum, and reallocation of Channel 283C2 from Pueblo to Pueblo West would result in a net service benefit to both communities, and will best serve the Commission’s allocation priorities and the public interest. Favorable action on the PBI proposal would thus be in the public interest.

## **II. CONCLUSION**

For the reasons stated above, the public interest will be served by the allotment of Channel 283C2 to Pueblo West, Colorado, as its first local aural service. Accordingly, PBI respectfully requests the Commission institute a rulemaking proceeding that would amend the FM Table of Allotments as follows:

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<sup>1</sup> 5 FCC Rcd at 7097, para. 16.

<sup>2</sup> As stated by the Commission, “[b]ecause AM and FM stations are considered to be joint components of a single aural medium, however, in a proceeding to change the community of license of an FM station, we will examine the availability of FM and AM services. Consistent with Commission precedent, we will consider both daytime and full-time AM stations as local aural transmission services.” *Id.* at 7096, para. 20.

City	Present Allotment	Proposed Allotment
Pueblo, Colorado	245C, 255C, 260C, 264C, 283C2, 296C2, 300C1	245C, 255C, 260C, 264C, 296C2, 300C1
Pueblo West, Colorado	None	283C2

Respectfully submitted,

**PUEBLO BROADCASTERS, INC.**

By: 

John M. Pelkey  
Rafael G. Prohias

Its Attorneys

**HALEY BADER & POTTS P.L.C.**

Suite 900

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August 15, 1996

# GRAHAM BROCK, INC.

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BROADCAST TECHNICAL CONSULTANTS

**PETITION FOR RULE MAKING  
PUEBLO BROADCASTERS, INC.  
RE-ALLOT CHANNEL 283C2  
PUEBLO WEST, COLORADO  
August 1996**

**TECHNICAL EXHIBIT**

*Copyright 1996*



**PETITION FOR RULE MAKING**  
**PUEBLO BROADCASTERS, INC.**  
**RE-ALLOT CHANNEL 283C2**  
**PUEBLO WEST, COLORADO**  
**August 1996**

**TECHNICAL STATEMENT**

This technical statement and attached exhibits were prepared on behalf of Pueblo Broadcasters, Inc., ("PBI") licensee of KYZX, Channel 283C2, Pueblo, Colorado. PBI herein requests the Commission re-allot Channel 283C2 from Pueblo to Pueblo West, Colorado, as that community's first local service.

**BACKGROUND**

Pueblo West is a Census Designated Place ("CDP") located in Pueblo County, Colorado, with a 1990 population of 4,386.<sup>1</sup> Update population estimates for Pueblo West indicate a current population of approximately 8,200 persons. Pueblo West is also a Metropolitan District, created on September 16, 1969. The district is a quasi-municipal political subdivision. The district is governed by an elected five person Board of Directors. The board is responsible for appointing a District Manager. Pueblo West provides street maintenance and improvements; fire protection and emergency medical services; water supply and sanitation and wastewater treatment.

Pueblo West has numerous civic organizations; Lions Club, Rotary Club, Shrine Club, Newcomers Club and neighborhood Crime Watch. In addition, there are more than six churches, residential areas and dozens of businesses in Pueblo West. Two local newspapers are published in Pueblo West: The Pueblo West View and The Horizon.

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1) 1990 U.S. Census of Colorado - 1990 CPH-2-7

## **DISCUSSION**

Pueblo West is adjacent to the Pueblo Urbanized Area, but is not considered part of the area. Presently, Pueblo West has no locally licensed radio service. The proposed allocation of Channel 283C2 to Pueblo West is mutually exclusive with the present Channel 283C2 allotment at Pueblo. The requested change in community of license is not a migration from a rural community to an urban area (the opposite is true), nor would the reallocation leave Pueblo without service.<sup>2</sup>

Channel 283C2 can be allotted to Pueblo West with a site restriction of 28.0 kilometers northeast of the community at the site specified in the outstanding construction permit for KYZX (BPH-951205IG) at North Latitude 38° 33' 24" and West Longitude 104° 35' 56".<sup>3</sup> Attached as Exhibit #1 is a usable area map for Channel 283C2 at Pueblo West, Colorado. Further, attached as Exhibit #2 is a §73.207 spacing study which shows Channel 283C2 at the proposed allocation site is fully spaced to all other licensed, applied for or proposed facilities (with the exception of the licensed/permitted facilities for KYZX). A 3.16 mV/m contour will be delivered to Pueblo West from the facilities authorized in BPH-951205IG (see Exhibit #3).

Therefore, Pueblo Broadcasters, Inc., requests the following changes in §73.202 of the Commission's rules:

### **Pueblo West, Colorado**

Present  
None

Proposed  
283C2

- 
- 2) The following AM stations are licensed to Pueblo: KCSJ, 590 kHz; KRMX, 690 kHz; KFEL, 970 kHz; KKPL, 1230 kHz; KGHF, 1350 kHz; and KRRU, 1480 kHz. The following FM stations are licensed to Pueblo: KCFP, Channel 220A; KCCY, Channel 245C; KKMg, Channel 255C; KVUU, Channel 260C; KGFT, Channel 264C; KNKN, Channel 296C2; and KDZA-FM, Channel 300C1.
- 3) At the presently licensed KYZX site, Channel 283C2 does not comply with §73.207 of the Commission's rules due to a shortspace with station KSTY, Channel 280A, Canon City, Colorado. Therefore, for allocation purposes, PBI is not specifying the licensed site, but rather the approved permit site for KYZX.

**Pueblo, Colorado**

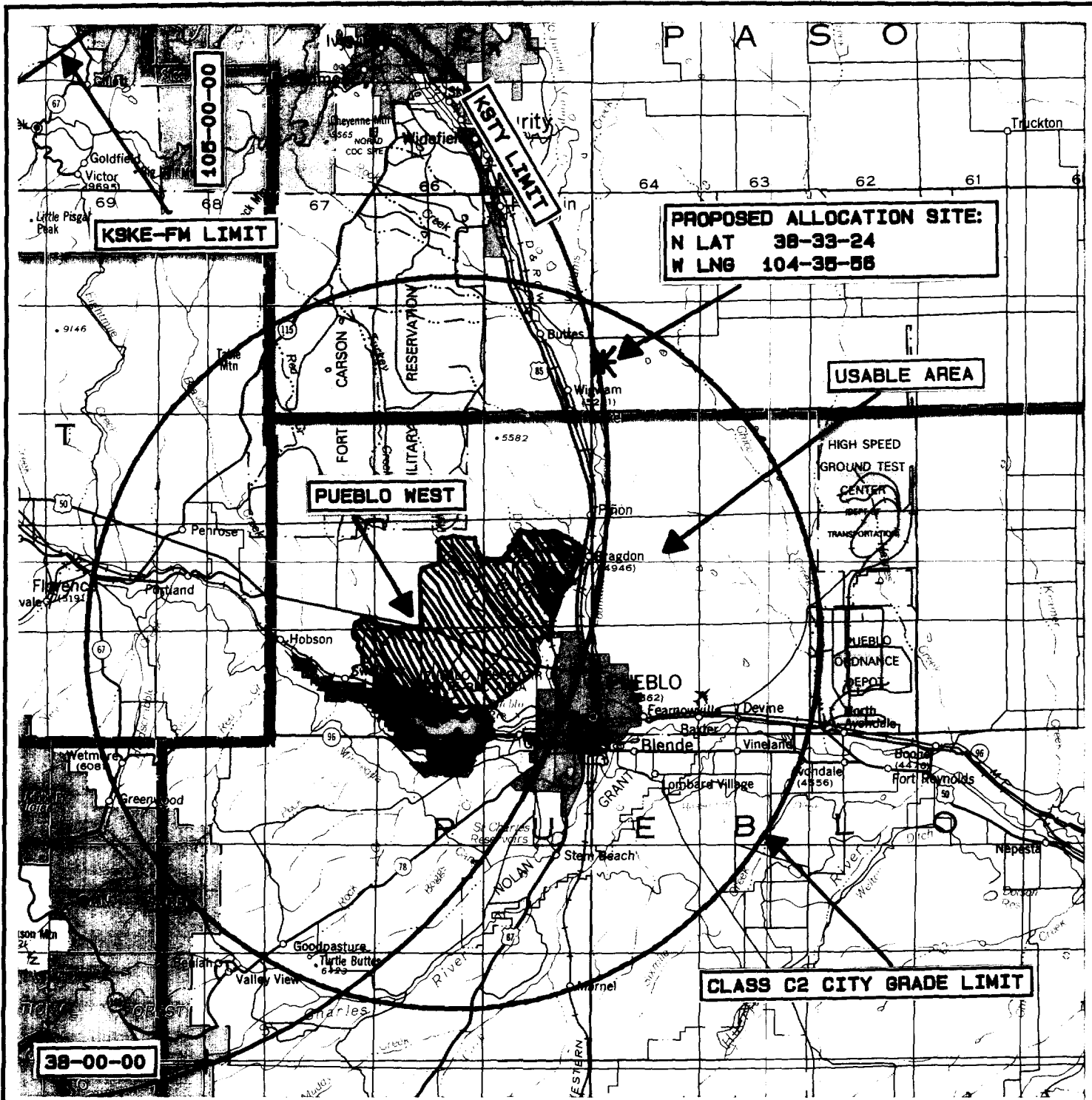
<b>Present</b>	<b>Proposed</b>
245C, 255C, 260C, 264C 283C2, 296C2, 300C1	245C, 255C, 260C 264C, 296C2, 300C1

**PUBLIC INTEREST ASPECTS**

The allocation of Channel 283C2 to Pueblo West will provide the community with its first locally licensed radio facility, without depriving Pueblo of its only service. Once Channel 283C2 is allotted to Pueblo West, Pueblo will still be provided with service from six AM stations and six commercial FM stations and one non-commercial FM station. Since PBI is not proposing to relocate its transmitter site as part of this proposed re-allotment, there will be no loss of service.

When Channel 283C2 is allotted to Pueblo West, PBI will file, on a timely basis, an application to make minor changes in the facilities of KYZX to specify operation on Channel 283C2 at Pueblo West in lieu of Pueblo.

This technical statement and attached exhibits were prepared on behalf of Pueblo Broadcasters, Inc., by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to authorized, applied for or proposed facilities was extracted from the NTIA database as updated August 9, 1996. We assume no liability for omissions or errors in that database.



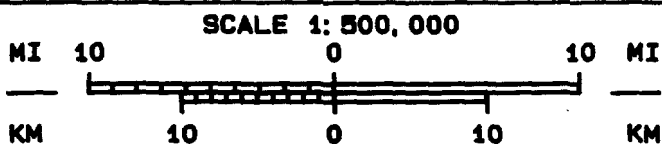
**USABLE AREA CHANNEL 283C2**

MAP IS A PORTION OF THE 1: 500, 000 SCALE  
U.S.G.S. BASE MAP OF COLORADO.

**EXHIBIT #1**

**PETITION FOR RULE MAKING  
PUEBLO BROADCASTERS, INC.  
ALLOT CHANNEL 283C2  
PUEBLO WEST, COLORADO**

**August 1996**



**GRAHAM BROCK, INC.**

**BROADCAST TECHNICAL CONSULTANTS**

ALLOCATION STUDY FOR PUEBLO WEST, COLORADO  
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS C2	DISPLAY DATES
38 33 24 N		DATA 08-09-96
104 35 56 W	Current rules spacings	SEARCH 08-13-96
----- CHANNEL 283 -104.5 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR/ HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KYZX.C	283C2	Pueblo	CO	0.0	0.00	190.0	-190.00
CP CN	38 33 24	104 35 56	50.000 kW	150M	0.0	118.1	
	Pueblo Broadcasters, Inc.				BPH-951205IG		971002
KYZX	283C2	Pueblo	CO	188.5	22.32	190.0	-167.68
LI ZCN	38 21 28	104 38 12	50.000 kW	105M	13.9	118.1	
	Pueblo Broadcasters, Inc.				BLH-930518KB		
KSTY	280A	Canon City	CO	259.0	55.57	55.0	0.57
LI CN	38 27 35	105 13 26	3.000 kW	-158M	34.5	34.2	
	KRLN, Inc.				BLH-6701		
AP282	282C1	Longmont	CO	338.6	162.07	158.0	4.07
AP DCY	39 54 48	105 17 32	35.000 kW	451M	100.7	98.2	
	Amador S. Bustos				BPH-900228MB		900905
KQKS.C	282C1	Longmont	CO	338.6	162.07	158.0	4.07
CPM CN	39 54 48	105 17 32	5.400 kW	437M	100.7	98.2	
	Western Cities Broadcasting				BMPH-870430IB		910627
AP282	282C1	Longmont	CO	338.6	162.07	158.0	4.07
AP CN	39 54 48	105 17 32	14.500 kW	442M	100.7	98.2	
	Longmont Broadcasting Corp.				BPH-900216MA		900905
AP282	282C1	Longmont	CO	338.6	162.10	158.0	4.10
AP ZCN	39 54 49	105 17 32	32.000 kW	432M	100.8	98.2	
	Saint Vrain Communications Co.				BPH-900228MA		950310
KQKS.C	282C1	Longmont	CO	351.5	172.91	158.0	14.91
CPMZCN	40 05 47	104 54 04	58.000 kW	367M	107.5	98.2	
	Western Cities Broadcasting				BMPH-920521IA		930903
KXKLFM	286C	Denver	CO	335.8	127.32	105.0	22.32
LI CN	39 36 00	105 12 35	100.000 kW	356M	79.1	65.3	
	Shamrock Broadcasting, Inc.				BLH-901023KB		
KSKE.C	284C1	Vail	CO	307.5	199.71	158.0	41.71
CP EN	39 38 08	106 26 46	100.000 kW	120M	124.1	98.2	
	Debbie Varecha, Receiver				BPH-950817IB		970225
KSKEFM	284C1	Vail	CO	307.5	199.71	158.0	41.71
LI CN	39 38 08	106 26 46	100.000 kW	137M	124.1	98.2	
	Debbie Varecha, Receiver				BLH-851015KF		

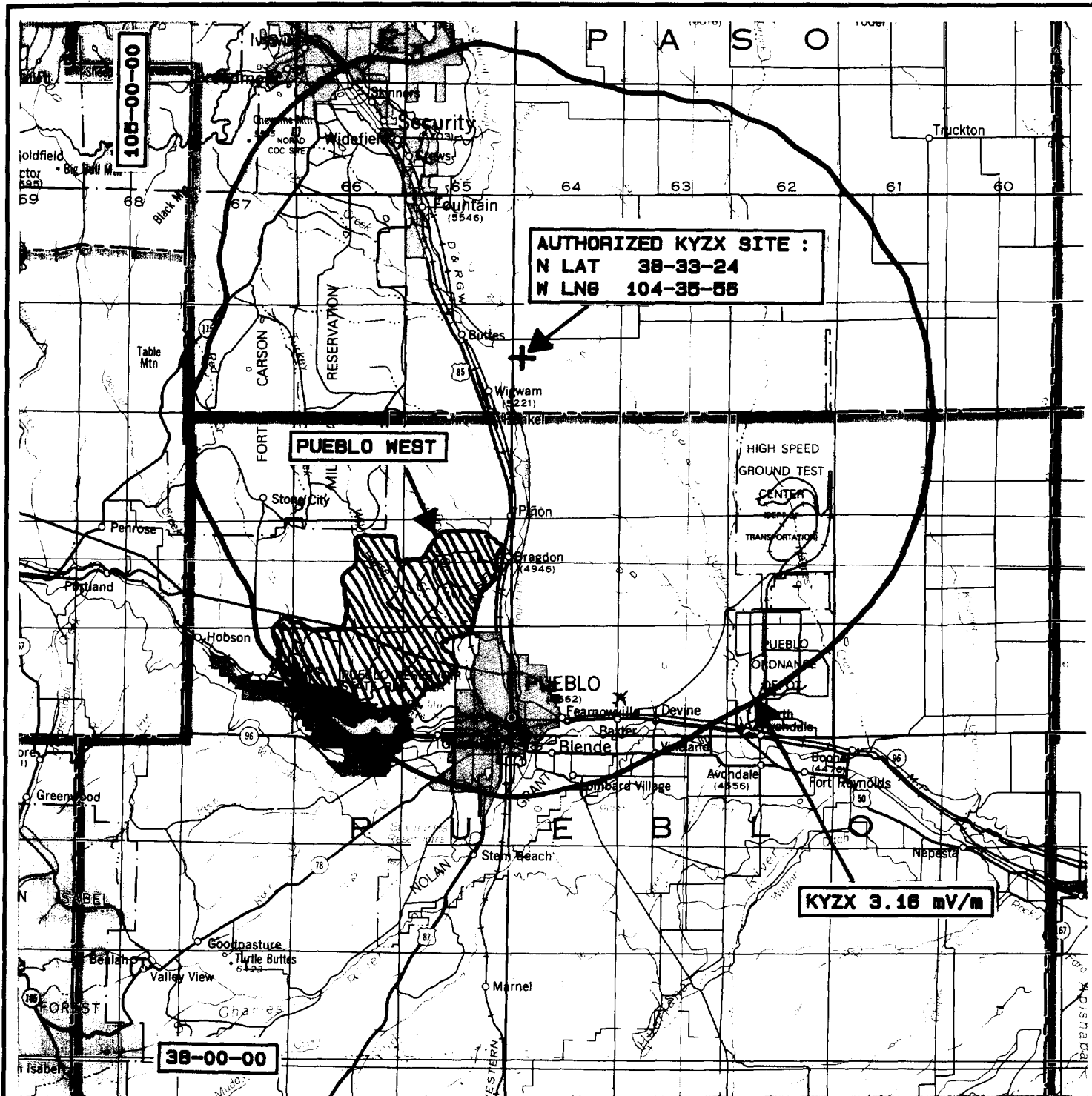
ALLOCATION STUDY CHANNEL 283C2

**EXHIBIT #2**  
PETITION FOR RULE MAKING  
PUEBLO BROADCASTERS, INC.  
ALLOT CHANNEL 283C2  
PUEBLO WEST, COLORADO

August 1996

**GRAHAM BROCK, INC.**

BROADCAST TECHNICAL CONSULTANTS



# **CITY GRADE CONTOUR MAP**

MAP IS A PORTION OF THE 1: 500, 000 SCALE  
 U.S.G.S. BASE MAP OF COLORADO.

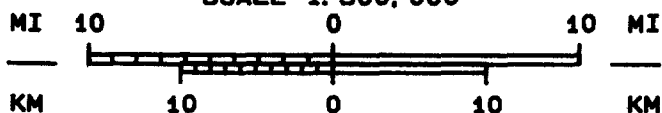
**EXHIBIT #3**  
**PETITION FOR RULE MAKING**  
**PUEBLO BROADCASTERS, INC.**  
**ALLOT CHANNEL 283C2**  
**PUEBLO WEST, COLORADO**

**August 1996**

**GRAHAM BROCK, INC.**

**BROADCAST TECHNICAL CONSULTANTS**

**SCALE 1: 500, 000**



**AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT**


State of Georgia )  
St. Simons Island ) ss:  
County of Glynn )

**JEFFERSON G. BROCK**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Pueblo Broadcasters, Inc., licensee of Radio Station KYZX, to prepare the attached Technical Exhibit.


His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 13th day of August, 1996.*

  
\_\_\_\_\_  
Jefferson G. Brock  
*Affiant*

*Sworn to and subscribed before me  
this the 13th day of August, 1996*

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires: September 12, 1999